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Attorney for Plaintiff, Demetrious Polychron

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

DEMETRIOUS POLYCHRON, an
Individual,
Plaintiff,

vs.

JEFF BEZOS, an Individual, JENNIFER
SALKE, An Individual, SIMON TOLKIEN,
an Individual, PATRICK MCKAY, an
Individual, JOHN D. PAYNE, an Individual,
AMAZON STUDIOS LLC, a California
Limited Liability Company, AMAZON
CONTENT SERVICES, LLC, a Delaware
Limited Liability Company, THE TOLKIEN
ESTATE, THE TOLKIEN ESTATE
LIMITED, THE TOLKIEN TRUST, and
DOES 1-100,
Defendants.

Case No.:

COMPLAINT

**(1) COPYRIGHT INFRINGEMENT;
(2) CONTRIBUTORY COPYRIGHT
INFRINGEMENT;
(3) VICARIOUS INFRINGEMENT;
AND
(4) UNFAIR COMPETITION**

JURY TRIAL DEMANDED

COMPLAINT FOR INJUNCTIVE RELIEF & DAMAGES

Comes now Demetrious Polychron (“Plaintiff” or “Polychron”) and for his Complaint against Jeff Bezos (“Bezos”), Jennifer Salke (“Salke”), Simon Tolkien (“Tolkien”), Patrick McKay (“McKay”), John D. Payne, (“Payne”), Amazon Studios LLC (“Amazon Studios”), Amazon Content Services LLC (“Amazon Content”), The Tolkien Estate (“Tolkien Estate”), The Tolkien Estate Limited, and The Tolkien Trust (“Tolkien Trust”) (collectively “Defendants”), states:

THE PARTIES

1. Plaintiff Polychron is now, and at all relevant times has been, a resident of Los Angeles, California.

2. Defendant Bezos is now, and at all relevant times has been, a resident of Los Angeles, California. He is the founder, Director and the Executive Chair of Amazon Studios.

3. Defendant Salke is now, and at all relevant times was, a resident of Los Angeles, California. She is the Head of Amazon Studios.

4. Defendant Tolkien is now, and at all relevant times, was a resident of Santa Barbara, California. Tolkien is the grandson of J.R.R. Tolkien, shareholder to the Tolkien Estate, Director of the Tolkien Estate Limited, and Director in The Tolkien Trust (collectively “The Tolkien Estate”).

5. Defendant McKay is now, and at all relevant times was, a resident of Los Angeles, California. He is a Showrunner and Executive Producer for Defendant Amazon Studios.

6. Defendant Payne is a resident of McLean, Virginia. He is a Showrunner and Executive Producer for Defendant Amazon Studios.

7. Amazon Studios is a Limited Liability Company registered under the laws of the State of California, and has its principal place of business in Los Angeles, California.

8. Amazon Content is a Delaware Limited Liability Company, registered as an Out-of-State Limited Liability in California, and is a subsidiary to Amazon Studios.

9. The Tolkien Estate is a foreign legal body that manages the property creations

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1 and Intellectual Property of the deceased J.R.R. Tolkien and its estate, including his
 2 related copyrights, and is a resident of Oxford, residing at Prama House, 267 Banbury
 3 Road, Oxford OX2 7HT, United Kingdom.

4 10. The Tolkien Estate Limited is a foreign partnership engaging in book
 5 publishing, film and video games, with a principal place of business at Prama House, 267
 6 Banbury Road, Oxford OX2 7HT, United Kingdom.

7 11. The Tolkien Trust is a charity, registered to the Charity Commission for
 8 England and Wales, and with a principal place of business at 267 Banbury Road, Oxford
 9 OX2 7HT, United Kingdom.

10 12. The true names and capacities, whether individual, corporate, associate or
 11 otherwise of Defendants sued herein as Does 1-100, are unknown to Plaintiff, which sues
 12 said Defendants by such fictitious names (“Doe Defendants”). If necessary, Plaintiff will
 13 seek leave of Court to amend this Complaint to state their true names and capacities when
 14 ascertained. Plaintiff is informed and believes and based thereon alleges that the Doe
 15 Defendants are also subject to relief requested herein by way of their concerted,
 16 contributory or vicarious acts and responsibility.

17 **JURISDICTION AND VENUE**

18 13. This action is brought under the Federal Copyright Act of 1976, as amended,
 19 17 U.S.C.A. §§ 101 et seq. This court has jurisdiction pursuant to 28 U.S.C.A. § 1338(a).
 20 Venue is conferred by 28 U.S.C.A. § 1400(a).

21 14. This Court has supplemental jurisdiction arising under the laws of California
 22 pursuant to 28 U.S.C. § 1367(a) because these claims are so related to Plaintiff’s claims
 23 under Federal Law that they form part of the same case or controversy and derive from a
 24 common nucleus of operative fact.

25 15. The Court has personal jurisdiction over Defendants Bezos, Salke, McKay
 26 and Tolkien because they reside in California.

27 16. The Court has personal jurisdiction over Defendant Payne because of his
 28 minimum contacts with the State, namely, his employment by Amazon Studios and

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1 contracts with agents, managers, publicists and legal representatives.

2 17. The Court has personal jurisdiction over Amazon Studios because it is a
3 registered California Limited Liability Company, with its principal place of business is
4 in Los Angeles, California.

5 18. The Court has personal jurisdiction over Amazon Content because it is
6 registered in the State of California as an Out-of-State Limited Liability Company.

7 19. The Court has personal jurisdiction over the Tolkien Estate, Tolkien Estate
8 Limited and the Tolkien Trust because of their minimum contacts with California,
9 namely, having these Defendants as controlling shareholders, partners and directors who
10 reside in California and who have contributed to the acts alleged herein.

11 20. Venue is proper in this district because most of the Defendants are residents
12 of Los Angeles County, California. Additionally, acts that give rise to this action were
13 committed within this district.

14 **FACTS COMMON TO ALL CLAIMS**

15 21. Prior to September 22, 2022, Polychron, who then was and ever since has
16 been a citizen of the United States, created, wrote and published an original book entitled
17 “The Fellowship of the King” (“TFOTK”) and conceived an entire seven book series,
18 “The War of the Rings” (“The Work”).

19 22. Plaintiff's above-referenced book contains a substantial amount of material
20 created by Plaintiff's own skill, labor and judgment, and is copyrightable subject matter
21 under the laws of the United States.

22 23. On or about November 21, 2017, Polychron complied, in all respects, with
23 the copyright laws of the United States and all other laws governing copyrights, and
24 secured the exclusive rights and privileges in and to the book of authorship, receiving
25 from the Register of Copyrights a certificate of registration dated and identified as
26 follows: November 21, 2017, The Fellowship of the King, TXu 2-076-068. A copy of
27 the certificate of registration is attached as Exhibit A and incorporated by reference
28 herein. Plaintiff has been and still is the proprietor of all rights, title and interest in and

1 to the above copyright. Publication was made with notice in strict and full compliance
2 with the Federal Copyright Act of 1976.

3 24. Since September 22, 2022, the above-mentioned book has been published by
4 Plaintiff, and all copies of it made by Polychron or under his authority or license have
5 been printed, bound and published in strict conformity with the provisions of the United
6 States Copyright Act of 1976 and all other laws governing copyright.

7 25. Since September 22, 2022, Plaintiff has been and still is the sole proprietor
8 of all rights, title and interest in and to the copyright in the described book.

9 26. Tolkien, the grandson of J.R.R. Tolkien, the author of The Lord of the Rings
10 (“LOTR”) book series, is a controlling shareholder to the Tolkien Estate and Director of
11 the Tolkien Estate Limited and The Tolkien Trust. In his roles, Tolkien can both
12 communicate requests for collaboration to The Tolkien Estate and control such
13 collaborations.

14 27. On or about November 21, 2017, Polychron sent a letter to Tolkien
15 explaining his love of the LOTR books, and describing his authorship of TFOTK and The
16 Work, which was largely inspired by LOTR. In this letter, Polychron sought review of
17 the TFOTK manuscript by Tolkien. Polychron received no response.

18 28. Subsequently, on or about November 7, 2019, and with excitement to
19 collaborate with the Defendants and the anticipation of publishing his book to the public,
20 Polychron retained counsel to contact Tolkien, the Tolkien Estate, The Tolkien Estate
21 Limited and the Tolkien Trust regarding a potential collaboration with him on The Work
22 as a sequel to LOTR. Polychron’s letter detailed descriptions of his book and The Work,
23 with request for review and collaboration. The Defendants, by counsel, rebuffed any
24 attempt at collaboration the very next day.

25 29. On or about December 24, 2019, Polychron delivered in-person to Tolkien a
26 copy of TFOTK manuscript, identified with the © symbol, at his home in Santa Barbara,
27 hoping he would review the manuscript and reconsider collaboration. On or about
28 January 14, 2019, and after Polychron received no response, Polychron sent a letter to

1 Tolkien, asking Tolkien to return the manuscript and Polychron advised that he would
2 publish TFOTK, and an additional six book series, independently.

3 30. Following Tolkien's review of Polychron's copyright protected manuscript,
4 the Defendants, and each of them, collaborated to create a television series, The Lord of
5 the Rings, The Rings of Power ("ROP"). While the agreement reached between Amazon
6 Studios and The Tolkien Estate to create the series occurred on or about November 13,
7 2017, ROP was ultimately copied largely from Polychron's copyrighted book, TFOTK.
8 As a result of the Agreement the Tolkien Estate paid Amazon Studios, \$250,000,000 for
9 the rights to the series that ultimately copied Polychron's book and The Work, and upon
10 information and belief, has earned the Defendants even more since the release of the
11 series.

12 31. In writing TFOTK, Polychron, while admittedly inspired by the LOTR and
13 J.R.R. Tolkien, developed a wholly original book and concept for The Work, including
14 separate and distinct characters and storylines from the LOTR series. These wholly
15 original distinct and separate characters and storylines compose as much as one-half of
16 the 8-episode series as released and published by Defendants. In many cases Defendants
17 copied exact language from TFOTK. In other instances, Defendants copied images that
18 match the book cover and descriptions as created in the book as authored by Polychron.

19 32. On or about October 19, 2022, and despite the Defendants' knowledge of
20 Polychron's copyrighted book, and in blatant disregard for their infringing use of
21 Polychron's creation, Defendants, and each of them, caused to be registered what is now
22 Copyright Registration No. PA0002384079, titled The Lord of the Rings: The Ring of
23 Power: 101, A Shadow of the Past.

24 33. On or about October 19, 2022, despite the Defendants' knowledge of
25 Polychron's copyrighted book, and in blatant disregard for their infringing use of
26 Polychron's creation, Defendants, and each of them, caused to be registered what is now
27 Copyright Registration No. PA0002385184, titled The Lord of the Rings: The Ring of
28 Power: 102, ADRIFT.

1 34. On or about October 19, 2022, despite the Defendants' knowledge of
2 Polychron's copyrighted book, and in blatant disregard for their infringing use of
3 Polychron's creation, Defendants, and each of them, caused to be registered what is now
4 Copyright Registration No. PA0002385180, titled The Lord of the Rings: The Ring of
5 Power: 103, ADAR.

6 35. On or about October 19, 2022, despite the Defendants' knowledge of
7 Polychron's copyrighted book, and in blatant disregard for their infringing use of
8 Polychron's creation, Defendants, and each of them, caused to be registered what is now
9 Copyright Registration No. PA0002385177, titled The Lord of the Rings: The Ring of
10 Power: 104, The Great Wave.

11 36. On or about October 19, 2022, despite the Defendants' knowledge of
12 Polychron's copyrighted book, and in blatant disregard for their infringing use of
13 Polychron's creation, Defendants, and each of them, caused to be registered what is now
14 Copyright Registration No. PA0002385169, titled The Lord of the Rings: The Ring of
15 Power: 105, Partings.

16 37. On or about October 24, 2022, despite the Defendants' knowledge of
17 Polychron's copyrighted book, and in blatant disregard for their infringing use of
18 Polychron's creation, Defendants, and each of them, caused to be registered what is now
19 Copyright Registration No. PA0002385154, titled The Lord of the Rings: The Ring of
20 Power: 107, The Eye.

21 38. On or about October 24, 2022, despite the Defendants' knowledge of
22 Polychron's copyrighted book, and in blatant disregard for their infringing use of
23 Polychron's creation, Defendants, and each of them, caused to be registered what is now
24 Copyright Registration No. PA0002385182, titled The Lord of the Rings: The Ring of
25 Power: 108, Alloyed.

26 39. Upon information and belief, additional episodes using the same characters
27 and storylines created by Polychron are expected in a future release by Defendants in an
28 additional four seasons of the show, ROP, over the next four years.

1 40. Upon information and belief, additional copyrights will be sought by
2 Defendants based on additional episodes of ROP developed using Polychron's wholly
3 original book, TFOTK, and The Work.

4 **CLAIM ONE**

5 **INFRINGEMENT OF A FEDERALLY REGISTERED COPYRIGHT**

6 41. Plaintiff realleges the allegations of Paragraphs 1 through 40 of this
7 Complaint as if fully set forth herein.

8 42. At all relevant times relevant hereto, Plaintiff has been the creator and owner
9 of the book, TFOTK, which has been copied, reproduced, distributed, published and
10 publicly displayed on television by Defendants, including on Amazon Prime as ROP.

11 43. Plaintiff holds the copyright to TFOTK from the United States Copyright
12 Office.

13 44. Without authorization, Defendants took original characters, stories, images
14 and exact lines from TFOTK, owned and copyrighted by Plaintiff, and copied,
15 reproduced and published them in the 8-episode season of the ROP series.

16 45. Defendants infringed the above-mentioned copyright by publishing and
17 placing on the market a television series, namely ROP, which was copied largely from
18 Plaintiff's copyrighted book, entitled TFOTK.

19 46. Polychron has notified Defendants that they have infringed the copyright of
20 Polychron, and Defendants continue to infringe that copyright. Defendants have, and
21 continue to, willfully infringe on Plaintiff's works with the knowledge of Plaintiff's
22 copyright and that they did not and do not have permission to use such copyrighted works.

23 47. Defendants' use and visual representation of Polychron's copyright protected
24 material negatively affects TFOTK, and therefore Polychron's reputation, rights and
25 control of revenue from such use.

26 48. Plaintiff has suffered at least \$250,000,00 in damages as a result of the
27 copyright infringement, but an amount to be proven at trial.

28 49. By reason of their size, it is impractical to attach copies of Polychron's book

1 and the 8-episode series of ROP as exhibits, but copies will be made available and
 2 exhibited to the court at all appropriate hearings. A sample of the infringements is
 3 attached hereto as Exhibit “B” and incorporated herein throughout, and which includes
 4 but is not limited to further infringements occurring throughout ROP and taken directly
 5 from TFOTK.

6 50. Defendants knew their acts constituted copyright infringement.

7 51. Defendants’ conduct was willful within the meaning of the Copyright Act.

8 52. As a result of their wrongful conduct, Defendants are liable to Plaintiff for
 9 copyright infringement pursuant to 17 U.S.C. § 501. Plaintiff has suffered, and will
 10 continue to suffer, substantial losses, including but not limited to damage to his business
 11 reputation and goodwill.

12 53. Plaintiff is entitled to recover damages, which include his losses and any and
 13 all profits Defendants have made as a result of their wrongful conduct. 17 U.S.C. § 504.
 14 Alternatively, Plaintiff is entitled to statutory damages under 17 U.S.C. § 504(c).

15 54. In addition, because Defendants’ infringement was willful, and/or with
 16 reckless disregard, the award of statutory damages should be enhanced in accordance
 17 with 17 U.S.C. § 504(c)(2).

18 55. Plaintiff is entitled to recover his attorneys’ fees and costs pursuant to 17
 19 U.S.C. § 505.

20 56. As a result of Defendants’ copyright infringement, Polychron has suffered at
 21 least \$250,000,000 and will continue to suffer damages in an amount unknown at this
 22 time, but to be determined according to proof at trial.

23 **CLAIM TWO**

24 **CONTRIBUTORY COPYRIGHT INFRINGEMENT**

25 57. Plaintiff realleges the allegations of Paragraphs 1 through 56 of this
 26 Complaint as if fully set forth herein.

27 58. Numerous individuals and entities directly infringed on Plaintiff’s
 28 copyrighted work.

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69. There is a substantial likelihood that Plaintiff will succeed on the merits of this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests as follows:

1. Defendants, and their agents, and servants be enjoined during the pendency of this action and permanently from infringing the above-mentioned copyright of Plaintiff in any manner, and from publishing, selling, marketing or otherwise disposing of any copies of the television series entitled ROP.

2. An order to show cause be issued directing Defendants to appear before this court at a time and place fixed in the order to show cause why they should not be enjoined and restrained pendente lite from producing, recording, photographing, or publicly performing, displaying or exhibiting the production copied from Plaintiff's book, and The Work, or otherwise infringing Plaintiff's copyright.

3. Defendants be required to expressly abandon the copyright registration Nos. PA0002384079, PA0002385184, PA0002385180, PA0002385177, PA0002385169, PA0002385154, PA0002385182; or in the alternative, be required to assign said copyrights to Plaintiff.

4. Defendants be required to pay to Plaintiff such damages as Plaintiff has sustained in consequence of Defendants' infringement of Plaintiff's copyright and Defendants' unfair trade practices and unfair competition, and to account for:

a. All gains, profits and advantages derived by Defendants through such unfair trade practices and unfair competition; and

b. All gains, profits and advantages derived by Defendants through Defendants' infringement of Plaintiff's copyright, or such damages as to the court shall appear proper within the provisions of the copyright statutes, but not less than \$250,000,000.

5. Defendants be required to deliver to be impounded during the pendency of this action all physical and digital copies of the television series entitled ROP in their

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1 possession or under their control, and to identify and deliver up for destruction all
2 infringing copies.

3 6. Defendants be required to pay Plaintiff damages sustained by Plaintiff by
4 reason of Defendants' acts, in the sum of \$250,000,000 and to account to Plaintiff for all
5 gains, profits and advantages derived from their acts, or any of them.

6 7. Defendants to pay all statutorily appropriate damages to Plaintiff for their
7 infringement of Plaintiff's copyright pursuant to 17 U.S.C. § 504.

8 8. Defendants to pay to Plaintiff the costs of this action and reasonable
9 attorney's fees to be allowed Plaintiff by the court pursuant to 17 U.S.C. § 505.

10 9. Plaintiff have such other and further relief as is just.

11 **JURY DEMAND**

12 Plaintiff demands a trial by jury.

13
14 Dated: April 14, 2023

Respectfully submitted,

Katie Charleston Law, PC


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17 By: /s/ Katie M. Charleston
18 Katie M. Charleston, Esq.
19 Attorney for Plaintiff
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VERIFICATION

I am the plaintiff in this action. I have read the foregoing complaint and it is true of my own knowledge, except as to those matters stated on information or belief, and as to those matters, I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: April 14, 2023

Signed: 
[Demetrious Polychron \(Apr 14, 2023 16:46 PDT\)](#)
Demetrious Polychron
Plaintiff